

Federal Court of Appeal



Cour d'appel fédérale

Date: 20170515

Dockets: A-78-17 (lead file); A-217-16; A-218-16;
A-223-16; A-224-16; A-225-16; A-232-16;
A-68-17; A-73-17; A-74-17; A-75-17;
A-76-17; A-77-17; A-84-17; A-86-17

Ottawa, Ontario, May 15, 2017

Present: STRATAS J.A.

BETWEEN:

TSLEIL-WAUTUTH NATION, CITY OF VANCOUVER, CITY OF BURNABY, THE SQUAMISH NATION (also known as the SQUAMISH INDIAN BAND), XÀLEK/SEKYÚ SIY AM, CHIEF IAN CAMPBELL on his own behalf and on behalf of all members of the Squamish Nation, COLDWATER INDIAN BAND, CHIEF LEE SPAHAN in his capacity as Chief of the Coldwater Band on behalf of all members of the Coldwater Band, MUSQUEAM INDIAN BAND, AITCHELITZ, SKOWKALE, SHXWHÁ:Y VILLAGE, SOOWAHLIE, SQUIALA FIRST NATION, TZEACHTEN, YAKWEAKWIOOSE, SKWAH, KWAW-KWAW-APILT, CHIEF DAVID JIMMIE on his own behalf and on behalf of all members of the TS'ELXWÉYEQW TRIBE, UPPER NICOLA BAND, CHIEF RON IGNACE and CHIEF FRED SEYMOUR on their own behalf and on behalf of all other members of the STK'EMLUPSEMC TE SECWEPEMC of the SECWEPEMC NATION, RAINCOAST CONSERVATION FOUNDATION and LIVING OCEANS SOCIETY

Applicants

and

**ATTORNEY GENERAL OF CANADA,
NATIONAL ENERGY BOARD and TRANS MOUNTAIN PIPELINE ULC**

Respondents

and

ATTORNEY GENERAL OF ALBERTA

Intervener

ORDER

WHEREAS the Attorney General of Alberta has moved for leave to intervene, and related relief;

AND WHEREAS the applicant, the Tsleil-Waututh Nation, opposes the motion while the respondent Trans Mountain Pipeline ULC consents;

AND WHEREAS the Tsartlip First Nation and Chief Dom Tom on his own behalf and on behalf of the members of the Tsartlip First Nation (collectively, “Tsartlip”) have moved for leave to intervene and related relief;

AND WHEREAS the respondent, Trans Mountain Pipeline ULC opposes the motion while the applicants Raincoast Conservation Foundation and Living Oceans Society consent;

AND WHEREAS the Court has read and considered the motion records and replies of the moving parties and the written representations of the respondents opposing the motions;

AND WHEREAS on April 28, 2017, the Kwantlen First Nation, Cheam First Nation and Chawathil First Nation discontinued their application for judicial review in file A-230-16 and so they are no longer parties in the consolidated proceedings;

THIS COURT ORDERS, for reasons released concurrently with this Order, that:

1. Tsartlip's motion is dismissed with costs.

2. The Attorney General of Alberta's motion is granted and the Attorney General of Alberta shall be added to these consolidated proceedings as an intervener on the following conditions:
 - (a) The Attorney General of Alberta shall be entitled to file a memorandum of fact and law at the time the respondents' memoranda are filed; in accordance with paragraph 8(8) of the Court's scheduling order of March 9, 2017, the page limit, the deadline for filing and other procedural matters shall be set by further order of this Court;

 - (b) The Attorney General of Alberta shall be entitled to make oral submissions at the hearing of the consolidated proceedings for a duration to be set by the panel;

 - (c) The Attorney General of Alberta shall neither add to nor modify the evidentiary record;

 - (d) The Attorney General of Alberta shall not be entitled to or be liable for costs.

3. The style of cause is amended to add the Attorney General of Alberta as an intervener and to remove the Kwantlen First Nation, Cheam First Nation and Chawathil First Nation as

applicants; the style of cause is as appears in this Order; and this style of cause shall appear on all future documents in these consolidated proceedings.

"David Stratas"

J.A.